"This Act may be cited as the Dominion Irrigation Act and shall be in force within the following boundaries; on the North, by the northern limit of Township 34 in the system of surveys for the Northwest Territories, on the East by the 3rd initial Meridian, ~~and~~ on the West by the Summit of the Rocky Mountains and on the South by the International Boundary and shall be in force only in the remaining portions of the Northwest Territories as the Governor in Council may from time to time by proclamation prescribe". ?, as to wording -

I dont think this would provoke the slightest opposition, if I thought it might, then confine it to all that posrtion of Alberta lying south of said northerly limit of township 34. I think it advisable that all that should be included; but this might be still further curtailed by decreasing it to, all that portion of Alberta lying south of the northerly limit of township 26. This will include Calgary, Macleod and Lethbridge and from petitions fyled, the Government would be quite justified in bring-ing forthwith the bill into operation within that area. If that be not done, it would take under clause 5 at least three months and probably more ~~mus~~ must elapse before the bill becomes law, which probably means the first of June next. Practically next season lost in commencing operations.

No. 130] **BILL.** [1893.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows :—

SHORT TITLE.

1. This Act may be cited as *The Dominion Irrigation Act*, and shall ~~be in force only in such portions of~~ the North-west ~~Territories as the Governor in Council may from time to time by proclamation prescribe.~~

apply to and be in force throughout the Northwest Territories

(2)

2. In this Act, unless the context otherwise requires,—

(*a.*) The expression "Minister" means the Minister of the Interior;

(b) The expression "Agent" means the Registrar for the Lands Registration District in which the lands or water in question are situated. ~~Provided that the Minister of the Interior may appoint any other person or officer to act as Agent for the purpose of this Act. in any district or portion of a district, in which case with regard to such district or portion of a district the expression "agent" shall mean such person or officer.~~

(*c.*) The expression "Dominion Land Surveyor" means a surveyor duly authorized, under the provisions of *The Dominion Lands Act*, to survey Dominion lands;

(*d.*) The expression "company" means any incorporated company, the objects and powers of which extend to or include the construction or operation of irrigation or other works under this Act or the carrying on thereunder of the business of the supply or the sale of water for irrigation or other purposes and includes also any person who has been authorized or has applied or is about to apply for authority to construct and operate such works or carry on such business, ~~but shall not be taken to include mutual associations for such purposes~~.

out.

[illegible]

WATERS VESTED IN THE CROWN.

4 ~~**3.** Subject to the provisions of section four of this Act,~~ and ~~all~~ water in the North-west Territories which ~~is~~ are not appropriated or acquired under this Act and whether the same is found or exists in rivers, streams, lakes, creeks, ravines or cañons, is hereby declared to be absolutely the property of the crown, and no property or interest therein shall pass or shall be held or taken to have passed by any letters patent or other instrument whereby lands in the North-west Territories or any estate or interest therein are or have heretofore been granted or conveyed by the crown.

have

PAST RIGHTS RESERVED.

See Victoria Act 4

3 ~~**4.**~~ All rights in connection with water in the North-west Territories legally acquired prior to the passing of this Act, shall remain ~~unaffected by this Act, except as hereinafter provided.~~ subject to the provisions of this Act.

5. The Minister or the ~~local~~ agent acting under his instructions may at any time give public notice that it is considered advisable to set apart or prescribe a further portion or district of the North-West Territories to which this Act shall apply, and that any person objecting to the application of the Act to such portion or district must within sixty days after a day named in such notice file with the ~~local~~ agent a statement in writing setting forth his objections and the reason for them. After the expiry of the said period of sixty days the Governor in Council after considering the objections (if any) which have been filed pursuant to such notice may by proclamation declare the Act to be in force in such portion or district on, from and after a day to be named in the proclamation.

Out

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—

(*a.*) The expression "Minister" means the Minister of the Interior;

(*b.*) The expression "agent" or "officer" means any person or officer employed in connection with the administration and management, sale or settlement of Dominion lands; the expression "local agent" means the agent for Dominion lands employed as aforesaid, with respect to the lands in question; and the expression "land office" means the office of any such local agent;

(*c.*) The expression "Dominion Land Surveyor" means a surveyor duly authorized, under the provisions of *The Dominion Lands Act*, to survey Dominion lands;

(*d.*) The expression "company" means any incorporated company, the objects and powers of which extend to or include the construction or operation of irrigation or other works under this Act or the carrying on thereunder of the business of the supply or the sale of water for irrigation or other purposes and includes also any person who has been authorized or has applied or is about to apply for authority to construct and operate such works or carry on such business, but shall not be taken to include mutual associations for such purposes.

WATERS VESTED IN THE CROWN.

3. Subject to the provisions of section four of this Act all water in the North-west Territories which is not appropriated or acquired under this Act and whether the same is found or exists in rivers, streams, lakes, creeks, ravines or cañons, is hereby declared to be absolutely the property of the crown, and no property or interest therein shall pass or shall be held or taken to have passed by any letters patent or other instrument whereby lands in the North-west Territories or any estate or interest therein are or have heretofore been granted or conveyed by the crown.

PAST RIGHTS RESERVED.

4. All right in connection with water in the North-west Territories legally acquired prior to the passing of this Act, shall remain unaffected by this Act, except as hereinafter provided.

5. The Minister or the local agent acting under his instructions may at any time give public notice that it is considered advisable to set apart or prescribe a portion or district of the North-West Territories to which this Act shall apply, and that any person objecting to the application of the Act to such portion or district must within sixty days after a day named in such notice file with the local agent a statement in writing setting forth his objections and the reason for them. After the expiry of the said period of sixty days the Governor in Council after considering the objections (if any) which have been filed pursuant to such notice may by proclamation declare the Act to be in force in such portion and district on, from and after a day to be named in the proclamation.

(3)

Sec 5 [illegible] ac

6. ~~[illegible]~~ The Minister may give public notice that any person holding water rights of a class similar to those which may be any created under this act, within this district or territory in which this act is in force ~~within such prescribed portion or district~~ must register his claim as required by this Act within six months from the date of such notice. And any such water rights not recorded within the period aforesaid shall cease and determine. For the purposes of this and the preceding section, the prescribed notice may be given by the publication thereof for four consecutive weeks in the *Canada Gazette* and in a newspaper published within the prescribed district or in the event of no newspaper being published therein then in some other newspaper in the North-west Territories to be selected by the Minister.

7. Any water the property in which is vested in the Crown may be acquired, for domestic, irrigation, or other purposes, without regard to deterioration in quality or diminution in quantity, upon application therefor as hereinafter provided, and all applications made in accordance with the provisions of this Act shall have precedence, according to the date of filing the same with the ~~local~~ agent ~~of the district within which such lands are situate~~, if for the same purpose but not otherwise. The purposes for which the right to water may be acquired are of three classes, namely: First, domestic purposes, which shall be taken to mean water for household and sanitary purposes and watering stock; second, irrigation purposes and third other purposes.

Applications shall have precedence in this order irrespective of the date of filing, so that all applications for domestic purposes shall have precedence of all those for irrigation and other purposes, and all applications for irrigation purposes shall have precedence of all those for purposes within the third class.

Provided that no application for any purpose shall be granted where the proposed use of the water would deprive any person owning lands adjoining the river, stream, lake or other source of supply of whatever water he requires for domestic purposes as aforesaid ~~and that when any person abandons or ceases to use any waters acquired by him for the purposes for which the same were acquired, or wastes the same, his right shall cease.~~ ~~Provided also~~ that when a ditch, flume or other contrivance for carrying water is not of sufficient capacity to carry the quantity of water recorded by its owner, his exclusive right shall be limited to the quantity which such ditch, flume or other contrivance is capable of carrying.

Take to 18

make this a separate clause after 18

See memo annexed

8. Any charge or allegation of abandonment, wasting or ceasing to use water, may be inquired into and determined by the Governor in Council or by any person or officer appointed by the Governor in Council for that purpose, and any forfeiture incurred by such abandonment, wasting or non-user may be declared by order of the Governor in Council, after which order the rights declared to be forfeited shall cease and determine.

out

MUTUAL ASSOCIATIONS.

9. When three or more persons, not exceeding seven in all, beneficially interested in a proposed work under this Act, mutually agree to to construct and operate ~~divide among themselves the e~~ ~~constructing and operating~~ such work, and satisfy may the of su ister or his representative of the *bonâ fides* of their undertaking and of their ~~financial~~ ability to complet Governor in Council may authorize a license to issue for such purpose to some person appointed by them as a trustee who shall with respect to such work comply with all the requirements of this Act. No such mutual association nor any such trustee shall be permitted to engage in the sale of water.

– 8

6. At any time thereafter the Minister may give public notice that any person holding water rights within such prescribed portion or district must register his claim as required by this Act within six months from the date of such notice. And any such water rights not recorded within the period aforesaid shall cease and determine. For the purposes of this and the preceding section, the prescribed notice may be given by the publication thereof for four consecutive weeks in the *Canada Gazette* and in a newspaper published within the prescribed district or in the event of no newspaper being published therein then in some other newspaper in the North-west Territories to be selected by the Minister.

7. Any water the property in which is vested in the Crown may be acquired, for domestic, irrigation, or other purposes, without regard to deterioration in quality or diminution in quantity, upon application therefor as hereinafter provided, and all applications made in accordance with the provisions of this Act shall have precedence, according to the date of filing the same with the local agent of the district within which such lands are situate, if for the same purpose but not otherwise. The purposes for which the right to water may be acquired are of three classes, namely: First, domestic purposes, which shall be taken to mean water for household and sanitary purposes and watering stock; second, irrigation purposes and third other purposes.

Applications shall have precedence in this order irrespective of the date of filing, so that all applications for domestic purposes shall have precedence of all those for irrigation and other purposes, and all applications for irrigation purposes
have precedence of all those for purposes within the
class. precedence of all those purposes
class.

Provided that no application for any purpose shall be granted where the proposed use of the water would deprive any person owning lands adjoining the river, stream, lake or other source of supply of whatever water he requires for domestic purposes and that when any person abandons or ceases to use any waters acquired by him for the purposes for which the same were acquired, or wastes the same, his right shall cease.

Provided also that when a ditch, flume or other contrivance for carrying water is not of sufficient capacity to carry the quantity of water recorded by its owner, his exclusive right shall be limited to the quantity which such ditch, flume or other contrivance is capable of carrying.

8. Any charge or allegation of abandonment, wasting or ceasing to use water, may be inquired into and determined by the Governor in Council or by any person or officer appointed by the Governor in Council for that purpose, and any forfeiture incurred by such abandonment, wasting or non-user may be declared by order of the Governor in Council, after which order the rights declared to be forfeited shall cease and determine.

MUTUAL ASSOCIATIONS.

9. When three or more persons, not exceeding seven in all, beneficially interested in a proposed work under this Act, mutually agree to divide among themselves the expense of constructing and operating such work, and satisfy the Minister or his representative of the *bonâ fides* of their proposed undertaking and of their financial ability to complete it, the Governor in Council may authorize a license to issue for such purpose to some person appointed by them as a trustee who shall with respect to such work comply with all the requirements of this Act. No such mutual association nor any such trustee shall be permitted to engage in the sale of water.

4

APPLICANT MUST FILE APPLICATION WITH GOVERNMENT.

10. Every applicant for a license or authorization under this Act shall file with the Minister and the ~~local~~ agent ~~for the district, within which the waters and the land on which they are to be applied are situate~~, a memorial, setting forth his name, or, if the applicant be an incorporated company, the names of its shareholders and their places of residence, the date and manner of its incorporation, the names of its directors and officers and their places of residence, the extent of the company's subscribed capital and amount of paid up capital, the proposed method of raising further funds, if needed, and the purposes for which the company is incorporated. The memorial shall also state the name of ~~any river,~~ stream or other waters from ~~which water is to be diverted,~~ the extent of settlement on such waters, the probable quantity of water to be ~~diverted~~ used and the point of diversion, the dams, basins, reservoirs, or other works proposed to be constructed for the purposes of the undertaking, and the locality of the same, as near as may be; the purpose to which the said water to be ~~diverted~~ used is to be applied; the proposed rate to be charged for water; the probable number of consumers, and such other additional particulars as are needful to a full understanding of the scheme and as may be required by the Minister. ~~And attached to the memorial shall be a general~~ map ~~plan~~ or plan ~~map~~ ~~on a scale of not less than half a mile to one inch, showing the boundaries of the tract to be served by such water, the location of all rivers, streams and other waters therein, and the probable location of proposed works.~~

~~[illegible]~~ the probable quantity of land ~~[illegible]~~ which may be beneficially irrigated & ~~of~~ the character & description & value of such land in its present state including improvements

"and also the po~~s~~ition and area of all ponds, reservoirs, or basin~~s~~ of water intended to be created for the purpose of ~~the~~ storing ~~of~~ water or which may have the effect of impounding water" -X.

In addition to the above information the applicants shall furnish the following maps or plans ~~[illegible] shall be [illegible] also be attached to said memorial~~

"~~Attached to said memorial there must be also a~~ Shall

In the case of ~~plan of~~ all ditches or canals carrying more than 25 cb.ft.off wa-

(1)

APPLICANT MUST FILE APPLICATION WITH GOVERNMENT.

10. Every applicant for a license or authorization under this Act shall file with the Minister and the local agent for the district, within which the waters and the land on which they are to be applied are situate, a memorial, setting forth his name, or, if the applicant be an incorporated company, the names of its shareholders and their places of residence, the date and manner of its incorporation, the names of its directors and officers and their places of residence, the extent of the company's subscribed capital and amount of paid up capital, the proposed method of raising further funds, if needed, and the purposes for which the company is incorporated. The memorial shall also state the name of any river, stream or other waters from which water is to be diverted, the extent of settlement on such waters, the probable quantity of water to be diverted and the point of diversion, the dams, basins, reservoirs, or other works proposed to be constructed for the purposes of the undertaking, and the locality of the same, as near as may be; the purpose to which the said water to be diverted is to be applied; the proposed rate to be charged for water; the probable number of consumers and such other particulars as are needful to a full understanding of the scheme. And attached to the memoria shall be a general plan or map on a scale of not less than hal a mile to one inch, showing the boundaries of the tract to b served by such water, the location of all rivers, streams an other waters therein, and the probable location of propose works.

5

4 There ~~must~~ shall also be fyled with the ~~said~~ memorial, of all ditches or canals plans in detail of all flumes, head works, budges or culverts necessary for road or farm crossings ~~over said ditch~~, this plan to be on a scale of not less than one inch equal to four feet. R.

Move up to R. on page 4.

~~And when the works are constructed. No material deviation shall be permitted from the plans fyled. The Minister or such officer as he may designate, to be sole arbitrator as to whether the alteration be material or otherwise.~~

under construction without permission; fyled

~~And upon any application to deviate~~
~~from the original plans so fyled~~

And upon any ~~[illegible]~~ question arising as to whether any ~~alteration~~ deviation be material or otherwise, the same shall ~~shall~~ be decided by the Minister or such officer as he may designate.

(R.)

6)

GOVERNMENT TO GIVE PUBLIC NOTICE OF APPLICATION AND RECEIVE OBJECTIONS.

11. The memorial and maps or plans shall be made in duplicate and signed by the applicant, or, if the applicant be a company, by the executive officers thereof, such of the maps or plans as are intended to show the land to be affected by the works being signed also by a Dominion Land Surveyor and the memorial and the maps or plans shall be filed one copy with the Minister and the second copy with the ~~local~~ agent of the district, and the same or a copy thereof shall be open for examination by the public at all times in the Department of the Interior at Ottawa, and at the office of the ~~local~~ agent. Public notice of such filing shall forthwith be given in the *Canada Gazette* and in some newspaper published in the neighbourhood of the proposed works, ~~and~~ to be named by the ~~local~~ agent, for a period of not less than thirty days nor more than ninety days as the agent may determine within which time any and all objections to the proposed work ~~must~~ shall be forwarded to the Minister ~~an officer to be designated in such notice~~. The ~~officer so designated shall, with reasonable despatch,~~ Minister shall consider all objections filed and report thereon to the Governor in Council, who may thereupon, by Order in Council authorize the construction of ~~such~~ said works with ~~or without variations~~ such changes or variations as may be deemed necessary.

Sub Clause 2. "Any headworks, dams, cribs, embankments flumes or other works authorised under this Act, shall, if the Minister so determines, be constructed subject to inspection during construction from time to time, and on completion and at any time thereafter by an officer to be named by the Minister and the cost of such inspection or such portion thereof as the Minister may decide shall be borne by the company constructing such works".

3) Should any person ~~living~~ residing ~~upon or in~~ on or owning land in the neighbourhood of such works, ~~make a request~~ apply to the Minister in writing, desiring an inspection of any dams, cribs, embankments or other works ~~proposed~~ in course of construction or at any time after the completion thereof, the Minister may order an inspection thereof ~~upon such terms as he may see fit~~ as to the costs of such inspection

GOVERNMENT TO GIVE PUBLIC NOTICE OF APPLICATION AND RECEIV
OBJECTIONS.

11. The memorial and plan shall be made in duplicate and signed by the applicant, or, if the applicant be a company, by the executive officers thereof, and shall be filed one copy with the Minister and the second copy with the local agen of the district, and the same or a copy thereof shall be ope for examination by the public at all times in the Departmen of the Interior at Ottawa, and at the office of the loca agent. Public notice of such filing shall forthwith be give in the *Canada Gazette* and in some newspaper published in th neighbourhood of the proposed works and to be named by th local agent, for a period of thirty days, within which tim any and all objections to the proposed work must be forwarde to an officer to be designated in such notice. The officer s designated shall, with reasonable despatch, consider all objec tions filed and report thereon to the Governor in Council, wh may thereupon, by Order in Council authorize the constructio of such works with or without variations.

AUTHORIZATION TO BE PUBLISHED.

12. No work shall be commenced until the approval of th Governor in Council has been signified by public notice in th *Canada Gazette* and some newspaper published in the neighbourhood of the proposed works and named by the Minister which notice shall set forth the particulars mentioned in th memorial, with such changes ~~and additions~~ or variations as the Governor in Council may see fit to order, and shall specify a time withi which such works ~~must~~ shall be completed. Such notice shall b published ~~for the space of ten days~~ in not less than two successive issues of such newspaper and shall be the authority for proceeding with the work. A copy of the notice shal also be recorded in a book specially kept for that purpose b the ~~local~~ agent ~~in the land office for his district~~, and this recor shall remain open for public inspection. If either the lands on which the water is to be applied or the waters to be use therefor, are not confined to the territory assigned to any one agent, a record must be filed with each agent in whose territory any part thereof is situate.

~~situated in two or more land districts, a recor thereof must be kept in the land office for each district.~~

AUTHORIZATION TO BE PUBLISHED.

12. No work shall be commenced until the approval of the Governor in Council has been signified by public notice in the *Canada Gazette* and some newspaper published in the neighbourhood of the proposed works and named by the Minister, which notice shall set forth the particulars mentioned in the memorial, with such changes and additions as the Governor in Council may see fit to order, and shall specify a time within which such works must be completed. Such notice shall be published for the space of ten days and shall be the authority for proceeding with the work. A copy of the notice shall also be recorded in a book specially kept for that purpose by the local agent in the land office for his district, and this record shall remain open for public inspection. If either the lands on which the water is to be applied or the waters to be used therefor, are situated in two or more land districts, a record thereof must be kept in the land office for each district.

WHEN COMPANIES TO BEGIN AND FINISH WORK.

13. The operations of the company constructing a work s authorized shall begin not later than two months after the las publication of such last-mentioned notice, unless such tw months expire between the first day of November and th first day of May following, in which case the time of commence ment shall not be later than the first day of May following and shall proceed continuously until sufficiently completed to supply water to all applicants within the area described in the authorization, provided there is sufficient water available for that purpose. The Minister or such officer as he may designate, shall be the sole arbiter as to whether the work is being prosecuted with sufficient vigour. Should any unforeseen disaster rom flood or stress of weather intervene, to prevent the construction or completion of the works within the time limited, or for any other reasons which he deems sufficient, the Governor in Council may authorize a reasonable extension of time for the commencement or completion of the works. Upon failure to complete the works within the time limited or any extension thereof, the company shall forfeit to Her Majesty all rights granted to it under this Act, and any works at the date of such forfeiture constructed or acquired by it may be expropriated in the manner hereinafter mentioned by any other company which may be authorized to execute similar works covering the same territory.

WHEN COMPANIES TO BEGIN AND FINISH WORK.

13. The operations of the company constructing a work so authorized shall begin not later than two months after the last publication of such last-mentioned notice, unless such two months expire between the first day of November and the first day of May following, in which case the time of commencement shall not be later than the first day of May following, and shall proceed continuously until sufficiently completed to supply water to all applicants within the area described in the authorization, provided there is sufficient water available for that purpose. The Minister or such officer as he may designate, shall be the sole arbiter as to whether the work is being prosecuted with sufficient vigour. Should any unforeseen disaster from flood or stress of weather intervene, to prevent the construction or completion of the works within the time limited, or for any other reasons which he deems sufficient, the Governor in Council may authorize a reasonable extension of time for the commencement or completion of the works. Upon failure to complete the works within the time limited or any extension thereof, the company shall forfeit to Her Majesty all rights granted to it under this Act, and any works at the date of such forfeiture constructed or acquired by it may be expropriated in the manner hereinafter mentioned by any other company which may be authorized to execute similar works covering the same territory.

justices ~~of the peace appoint, to imprisonment with or~~

..........with ~~or without hard labour for any term not~~

~~exceeding three~~ months."

PLANS OF DAMS, &C., MUST BE FILED WITH FULL DETAIL.

14. When application is made for authorization to dam or obstruct a river, stream, lake, or other waters in order to create a pond, reservoir or basin of water holding more than five million cubic feet or a less quantity when the height of the dam exceeds ten feet, the memorial referred to in section ten, must show by plan or map and estimate, certified by a competent civil engineer, approved by the Minister, the exact location and details of construction of the proposed dam or other obstruction; the extent of any pond, basin or reservoir to be formed, the property likely to be affected by the works and the manner in which affected; such plan or map shall also show in detail the several parcels of land so affected, and such other particulars as the Minister or Governor in Council may see fit to order.

In the case of any pond, basin or reservoir holding less than five million cubic feet of water, or having a dam or obstruction of less than ten feet in height, it shall not be necessary to file any such plan or estimate. If, however, any persons living or owning land in the neighbourhood make a request to the Minister in writing, desiring an inspection of any dam or obstruction, the Minister may order an inspection thereof upon such terms as he may see fit.

DAM TO BE INSPECTED BY GOVERNMENT ENGINEER.

15. Any dam, crib, embankment or other works, authorized under this Act to be constructed in any river, stream, lake, or other waters for the purpose of creating a pond, basin or reservoir exceeding five million cubic feet in capacity and any such works elsewhere than in such waters constructed for the purpose of creating a pond, basin or reservoir exceeding five million cubic feet capacity, shall be constructed subject to inspection by an engineer to be named by the Minister; and the cost of such inspection or such portion thereof as the Minister may decide, shall be borne by the company constructing such works. The Minister may also order the like inspection of any such works constructed in connection with ponds, basins or reservoirs of less than the aforementioned capacity and may direct the cost of such inspection or any portion thereof to be paid by the company constructing such works.

9

RIGHT-OF-WAY, DAMAGES, ETC.

16. A company contemplating or projecting any work which may be authorized under this Act, may enter into anc upon any public or private lands, railway, streets, roads o lanes, to take levels, make surveys or do other necessary work in connection with the location of their proposed works through or across the same without making compensation therefor o being guilty of trespass, but all such preliminary work shall b disposed of with reasonable expedition and in a manner not t unduly interfere with the rights of the public or of the owners or occupiers of such property.

16/2 When the company and the owners or occupiers of private Lands cannot agree as to the compensation for lands required for the construction or maintenance of any work authorized under this Act, or for damages to lands injured by such construction or maintainance ~~thereby~~, the matter shall be settled in the same manner as is provided for obtaining title and fixing compensation under *The Railway Act* so far as the same may be applicable, the Minister of the Interior and the Department of the Interior being substituted for the Minister of Railways and Canals and the Department of Railways and Canals respectively wherever in the provisions of the said Act the latter Minister and Department are mentioned or referred to. Provided that the Governor in Council may from time to time by regulations vary or modify the provisions of the said Act in this regard, so far as they apply to works under this Act, in such manner as experience may prove to be expedient.

In this section the expression "lands" includes real property messuages, lands, tenements and hereditaments of any tenure. *

(2) All maps, plans and books of reference showing the lands required by the Company for any purpose in connection with the construction or maintainance of its works must be signed by a duly qualified Dominion Land Surveyor.

(3) The minister or such officer as he may designate ~~shall~~ in case of dispute Shall be the sole ~~and final~~ arbiter ~~arbitrator~~ as to the area of land which may be taken by the company without the consent of the owner for any purpose in the construction and maintainance of its works

OFFENCES.

17. Every person who interrupts, molests or hinders in his work any engineer or Dominion Land surveyor engaged in making surveys, or ~~levels or~~ in other operations in connection with any work authorized under this Act, is guilty of an offence, and liable on summary conviction to a penalty not exceeding twenty dollars or to imprisonment for a term not exceeding two month or both.

SURPLUS WATER TO BE TURNED BACK.

18. No company authorized to divert the water of any river, stream, lake or other waters shall divert more water than the quantity actually required for the purpose authorized, and any company or officer or employee of the same so doing shall be guilty of an offence punishable on summary conviction by a fine not exceeding ~~one hundred dollars for each offence~~. $5.00 per day for each unit or fraction of a unit of water so diverted

Put in Clause 7 & 8 here as amended on page 3

RIGHT-OF-WAY, DAMAGES, ETC.

16. A company contemplating or projecting any work which may be authorized under this Act, may enter into and upon any public or private lands, railway, streets, roads or lanes, to take levels, make surveys or do other necessary work in connection with the location of their proposed works through or across the same without making compensation therefor or being guilty of trespass, but all such preliminary work shall be disposed of with reasonable expedition and in a manner not to unduly interfere with the rights of the public or of the owners or occupiers of such property.

When the company and the owners or occupiers of private Lands cannot agree as to the compensation for lands required for the construction or maintenance of any work authorized under this Act, or for damages to lands injured thereby, the matter shall be settled in the same manner as is provided for obtaining title and fixing compensation under *The Railway Act* so far as the same may be applicable, the Minister of the Interior and the Department of the Interior being substituted for the Minister of Railways and Canals and the Department of Railways and Canals respectively wherever in the provisions of the said Act the latter Minister and Department are mentioned or referred to. Provided that the Governor in Council may from time to time by regulations vary or modify the provisions of the said Act in this regard, so far as they apply to works under this Act, in such manner as experience may prove to be expedient.

In this section the expression "lands" includes real property messuages, lands, tenements and hereditaments of any tenure

OFFENCES.

17. Every person who interrupts, molests or hinders in his work any engineer or surveyor engaged in making surveys, or levels or in other operations in connection with any work authorized under this Act, is guilty of an offence, and liable on summary conviction to a penalty not exceeding twenty dollars or to imprisonment for a term not exceeding two months or both.

SURPLUS WATER TO BE TURNED BACK.

18. No company authorized to divert the water of any river, stream, lake or other waters shall divert more water than the quantity actually required for the purpose authorized, and any company so doing shall be guilty of an offence punishable on summary conviction by a fine not exceeding one hundred dollars for each offence.

10

SURPLUS WATER MAY BE CLAIMED BY OTHERS.

19. Any company having the right to the use ~~engaged in the sale~~ of water for irrigation or other purposes ~~must~~ shall dispose of any surplus water to any [illegible]oses and ~~tendering~~ ~~undertaking to pay therefor~~ ~~tendering payment at the regular prices~~ ~~payment~~ at the regular prices. Persons so applying ~~must~~ shall pay an amount equal to the cost and expense of the works required to convey the surplus water to them, or ~~must~~ shall themselves construct such works. Until this is done the delivery of surplus water need not be made. When the necessary works have been constructed and the ~~undertaking to pay therefor~~ ~~payment or tender~~ herein provided for has been made the applicant shall be entitled to the use of so much of the surplus water as such works shall have the capacity to carry. But nothing herein shall be construed to give to any person acquiring the right to use surplus water any right to waste or sell or dispose of the same after being used by him, or shall prevent the original owners from retaking, selling or disposing of the same in the usual or customary manner after it has been so used as aforesaid.

Shall (shall also

for 12 months in advance at the regular prices

shall

without authority

any water

or who takes or diverts therefrom

See Fraser

20. Every person who takes or diverts from any river, stream, lake or other waters or from any works authorized under this Act any greater quantity of water than he is entitled to. is guilty of an offence and liable upon ~~indictment~~ summary conviction to a fine not exceeding $5.00 per day for each unit or fraction of a unit of water improperly diverted or to imprisonment for a term not exceeding days or to both and upon summary conviction to a fine not exceeding $5.00 per day for each unit or fraction of a unit of water improperly diverted or to imprisonment for a term not exceeding days or to both,

COMPANIES MUST NOT DISCRIMINATE IN PRICES OF WATER.

21. No company undertaking to sell water conveyed by their works shall subsequent to the first four years after the construction of such works as are necessary to convey the water to the user discriminate between the users of such water regarding the price of the same. If from any cause the whole amount of water agreed to be supplied by a company be not available then each user shall have furnished to him by the company so much water as shall bear to the available water the same proportion as his usual supply bears to the whole amount agreed to be furnished. Any company violating these provisions ~~shall forfeit the privileges granted to it under this Act~~ is guilty of an offence against this act and liable [illegible] a fine ~~not exceeding~~ $ one thousand dollars for each and every such offence — or to imprisonment for a [illegible] ~~not exceeding~~ ~~[illegible]~~ ~~[illegible]~~

?

upon summary conviction before ~~a local~~ two justices of the Peace, or

See Fraser recommend last part.

UNIT OF MEASUREMENT.

22. Under this Act the discharge of one cubic foot of water per second shall be the unit of measurement.

Clause 32

SURPLUS WATER MAY BE CLAIMED BY OTHERS.

19. Any company engaged in the sale of water for irrigation or other purposes must dispose of any surplus water to any person applying therefor for irrigation purposes and tendering payment at the regular prices. Persons so applying must pay an amount equal to the cost and expense of the works required to convey the surplus water to them, or must themselves construct such works. Until this is done the delivery of surplus water need not be made. When the necessary works have been constructed and the payment or tender herein provided for has been made the applicant shall be entitled to the use of so much of the surplus water as such works shall have the capacity to carry. But nothing herein shall be construed to give to any person acquiring the right to use surplus water any right to waste or sell or dispose of the same after being used by him, or shall prevent the original owners from retaking, selling or disposing of the same in the usual or customary manner after it has been so used as aforesaid.

20. Every person is guilty of an offence and liable upon indictment to a fine not exceeding dollars or to imprisonment for a term not exceeding days or to both and upon summary conviction to a fine not exceeding dollars or to imprisonment for a term not exceeding days or to both, who takes or diverts from any river, stream, lake or other waters or from any works authorized under this Act any greater quantity of water than he is entitled to.

COMPANIES MUST NOT DISCRIMINATE IN PRICES OF WATER.

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22. Under this Act the discharge of one cubic foot of water per second shall be the unit of measurement.

ANNUAL RETURN BY COMPANIES TO GOVERNMENT.

23. Companies constructing and operating works under this Act shall on or before the thirty-first day of January in each and every year make a return to the Governor in Council attested by the oath of its President and Secretary, for the year ending the thirty-first day of December preceding, showing:—

Amount expended on construction.
Amount expended on repairs.
Amount received from shareholders.
Amount of bonds issued.

Amount received for water supplied for irrigation.
Amount received from other sources.
Amount of dividend declared and paid.
Amount of capital stock authorized.
Amount of capital stock subscribed.
Amount of capital stock paid up to date.
Amount of bonded indebtedness,
Amount bonds sold for.
Rate of interest bonds bear.
Amount of indebtedness other than bonds and rate of interest the same is bearing.
Cost of management.
Statement of works, extent and character.
Number of miles of canals, ditches, etc.
Number of users.
Number of acres actually under irrigation.
Number of acres of irrigable land in the system.
Names of officers or employees with salary paid to each.
Proposed extensions during ensuing years and acreage to be covered thereby.
With such other data as the Governor in Council may see fit to order. Attached to such annual return shall be a copy of by-laws of the company showing all amendments thereto during the year covered by said return.

GOVERNMENT MAY INTERVENE TO COMPEL COMPANIES TO CARRY OUT ENGAGEMENTS WITH CONSUMERS.

Fraser

24. When complaint is made to the Minister or the ~~local~~ agent by a consumer of water who has paid his rates and is verified by the oath of the complainant, that the company which engaged or is under obligation to supply him with water is failing to do so, or is failing to keep its ditches, flumes, and other works in proper condition, the Minister or some person or officer appointed by him for the purpose may make immediate inquiry and take all necessary steps to ascertain the truth of the complaint and if he considers the complaint established may order and direct that the company shall take forthwith such action as he considers necessary in order as far as possible to remove the cause of complaint. If the company fails to obey such order ~~he~~ shall forthwith issue a certificate to that effect reciting all the facts, which certificate being presented to the Judge of the Supreme Court for the Judicial District within which such works lie, any the Judge shall hear and determine the matter in a summary manner and shall order the company to proceed with all despatch to take such measures as he considers necessary in the premises and refusal or neglect to obey any order made by a Judge under this section may be treated and punished as contempt of court. and such other proceedings may be had and taken thereon as in the case of non compliance with any other mandatory order of the said court or a judge thereof

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Mr Fraser
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For copy of the Jud. Ordinance
See Revised Ordinances N.W.T. Chap 58 sections 271 & 272

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COMPANIES MAY UNITE TO CONSTRUCT LARGER WORKS.

[illegible]

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25. ~~Two or more companies~~ ~~authorized under this Act~~ whose works lie contiguous to each other, may unite and form one company with a view to providing increased water supply and extending their works when ~~the Governor in Council is~~ he satisfied that the holders of more than fifty per cent of the capital stock of each company are in favour of the union; that users dependent upon the water supply will not be injured, and that the amalgamated companies have the necessary financial means for carrying out the proposed undertaking, the same class of data being furnished to the Governor in Council as is required to be furnished upon an application for authorization to construct works under this Act. Public notice of the authorization of the amalgamated companies and their proposed works shall be given in the manner prescribed in the case of an application under section eleven.

MINISTER OR HIS REPRESENTATIVES MAY CITE WITNESSES AND PAPERS.

26. The Minister or any one specially authorized by him may, when he deems necessary for the satisfactory carrying out of the provisions of this Act or the regulations to be framed under it, summon before him any person by subpœna, examine such person under oath, and compel the production of papers and writings, and for neglect to obey such summons or refusal to give evidence, or to produce the papers or writings demanded of him, the Minister or the person authorized may, by warrant under his hand, order the person in default to be imprisoned in the nearest common jail as for contempt of court, for a period not exceeding fourteen days.

AFFIDAVITS, ETC., BEFORE WHOM TAKEN.

27. All affidavits, oaths, solemn declarations or affirmations required to be taken under this Act or any regulations made thereunder, may be taken before any agent authorized under this act or

a Dominion lands agent or officer, or any persons specially authorized by the Minister to take the same, and the Minister may require any statement called for under this Act, or under any such regulation, to be verified by oath, affidavit, affirmation or declaration.

28. The Governor in Council is empowered to take such steps as he may deem necessary, ~~by the employment of experts or others~~, to secure a complete or partial survey of the sources of the water supply, for irrigation and other purposes, in the North-west Territories, with a careful estimate of the extent and location of irrigable lands, and of ~~the site or~~ sites suitable for ponds, basins and reservoirs for water storage. He may also take such steps as ~~may be required~~ he thinks necessary to protect the sources of water supply in the North-west Territories, and to prevent any act likely to diminish or injure said supply.

[illegible]

MAY ERECT WATER GAUGES, ETC.

29. The Governor in Council may from time to time authorize the establishing in the rivers, streams, lakes, and other waters of the North-west Territories, water gauges for computing the approximate volume and discharge of waters; the placing of high water marks on rivers and streams, lakes and other waters when in flood; the taking of steps for securing analyses of the water of rivers, streams, lakes and other waters, and the adopting of such other measures and proceedings for promoting the beneficial use of water, and for controlling and regulating the diversion and the application thereof as he may find necessary and expedient consistent with the provisions of this Act.

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25. Two or more companies authorized under this Act whose works lie contiguous to each other, may unite and form one company with a view to providing increased water supply and extending their works when the Governor in Council is satisfied that the holders of more than fifty per cent of the capital stock of each company are in favour of the union; that users dependent upon the water supply will not be injured, and that the amalgamated companies have the necessary financial means for carrying out the proposed undertaking, the same class of data being furnished to the Governor in Council as is required to be furnished upon an application for authorization to construct works under this Act. Public notice of the authorization of the amalgamated companies and their proposed works shall be given in the manner prescribed in the case of an application under section eleven.

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30. The Governor in Council may, if in the public interest it is at any time deemed advisable so to do, take over operate or dispose of the works of any company authorized under this Act. Provided that compensation shall be paid for such works at their ~~estimated~~ value, ~~apart from any value which they may have as a running concern~~, and that no person who at such date is using the water of said works, shall be deprived of the quantity of water he is entitled to. notwithstanding anything to the contrary expressed in this Act.

~~Provided also that~~ in no case shall the compensation paid for works so taken over be less than the cost of construction of said work, plus interest at ten per cent per annum on such cost, plus cost of management less the revenue derived from ~~such works~~.

Mr. Fraser find this legal & necessary

Provided further that in any such case the Governor in Council shall have due regard to the claims to consideration of any persons who may have prepared or have in course of preparation any land to be supplied with water by the works taken over.

be appointed the third and in [illegible] case of failure [illegible] upon the [illegible] third the [illegible] Court Provided

30. The Governor in Council may, if in the public interest it is at any time deemed advisable so to do, take over the works of any company authorized under this Act. Provided that compensation shall be paid for such works at their estimated value apart from any value which they may have as a running concern, and that no person who at such date is using the water of said works, shall be deprived of the quantity of water he is entitled to. Provided further that in any such case the Governor in Council shall have due regard to the claims to consideration of any persons who may have prepared or have in course of preparation any land to be supplied with water by the works taken over.

31. The by-laws and regulations of companies operating under this Act shall not contain anything contrary to the true intent and meaning of this Act, and shall be subject to revision and approval by the Governor in Council, and no tariff of charges for water furnished by any company shall come into operation until the same has been approved by the Governor in Council.

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— Any company authorized under this Act may issue bonds debentures or other securities to the extent of ~~treble~~ double the amount of the subscribed capital or quadruple the amount of the paid-up capital whichever may be the smaller amount.

— Any company authorized under this Act may acquire land by purchase or lease for improvement by irrigation and may dispose of the same. ~~but shall~~ ~~[illegible]~~ Provided that no company shall hold ~~lease~~ any land or acquire for a longer period than 10 years

— Any company authorized under this Act may for the purposes of its undertaking construct or acquire ~~any~~ ~~electric.~~ ~~for the purposes of its undertaking~~ electric telegraph or telephone lines, or anything of a similar nature in its facility for transmission of messages by electricity, or otherwise either through or along wires, poles, tubes or other appliances, no matter how made or otherwise constructed or erected ~~so long as the operation~~

REGULATIONS BY GOVERNOR IN COUNCIL.

32. The Governor in Council may—

Define the manner in which the measurement of water shall be arrived at.

Define the duty of water according to locality and soil.

Define the portion of the year during which water shall be supplied for irrigation.

Fix the license fee or charge to be paid by companies applying for registration of water rights or for authority to engage in irrigation or other works under this Act which fees or charges may be varied according to the capital employed or volume of water diverted.

Regulate the extent of diversion from rivers, streams, lakes or other waters.

~~Decide between companies claiming the same water, as to the quantity or share each claimant may divert.~~

Regulate the passage of logs, timber and other products of the forests through or over any dams or other works erected in rivers, streams, lakes and other water under the authority of this Act.

Regulate the publication of tariffs of water rates.

Prescribe forms to be used in proceedings under this Act.

Impose penalties for violations of any regulation made under authority of this Act which penalties shall in no case exceed a fine of two hundred dollars or three months imprisonment or both.

Regulate the manner in which water is to be supplied to parties entitled thereto, whether continuously or at stated intervals or under either or both. [illegible]

Authorize some one whose decision is shall be final and without appeal to decide in cases of dispute what constitutes surplus water as ~~xx~~ mentioned in the clause — of this Act.

Make such orders as are deemed necessary, from time to time, to carry out the provisions of this Act according to their true intent, or to meet any cases which arise, and for which no provision is made in this Act; and further make any regulations which are considered necessary to give the provisions of this Act full effect; and from time to time, alter or revoke any orders or regulations made in respect of such provisions, and make others in their stead.

( ) All regulations made by the Gov. in Council under this Act shall be published ~~for~~ four successive ~~months in~~ weeks in the Canada Gazette and shall be laid before both Houses of Parliament within the first fifteen days of the session next after the date thereof.

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Duty of water

The ~~quantity~~ area of land that a given quantity of water will irrigate

33. The Govenor in Council is hereby authorized, if after careful and thorough inquiry he deems it advisable, to establish at some point in the North-west Territories an experimental irrigation farm, to be located conveniently near the districts which are most interested in the application of irrigation to agricultural lands; and to take such steps as may be required to demonstrate the value of such irrigation as applied to farming and grazing lands or to promoting the growth of trees, shrubs and plants in the Territories.

34. Any companies already formed to promote irrigation in the North-west Territories ~~and which have not commenced operations at the passage of this Act~~ shall be subject to all provisions of this Act ~~which are not inconsistent with their special charters~~.

Out.

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34. Any companies already formed to promote irrigation in the North-west Territories and which have not commenced operations at the passage of this Act shall be subject to all provisions of this Act which are not inconsistent with their special charters.

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"This Act may be cited as the Dominion Irrigation Act and shall be in force within the following boundaries; on the North, by the northern limit of Township 34 in the system of surveys for the Northwest Territories, on the East by the 3rd initial Meridian, ~~and~~ on the West by the Summit of the Rocky Mountains and on the South by the International Boundary and shall be in force only in the remaining portions of the Northwest Territories as the Governor in Council may from time to time by proclamation prescribe". 7, [illegible]

I dont think this would provoke the slightest opposition, if I thought it might, then confine it to all that posrtion of Alberta lying south of said northerly limit of township 34. I think it advisable that all that should be included; but this might be still further curtailed by decreasing it to, all that portion of Alberta lying south of the northerly limit of township 26. This will include Calgary, Macleod and Lethbridge and from petitions fyled, the Government would be quite justified in bring-ing forthwith the bill into operation within that area. If that be not done, it would take under clause 5 at least three months and probably more ~~mus~~ must elapse before the bill becomes law, which probably means the first of June next. Practically next season lost in commencing operations.

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No. 130] **BILL.** [1893.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

SHORT TITLE.

1. This Act may be cited as *The Dominion Irrigation Act*, and shall ~~be in force only in such portions of~~ the North-west ~~Territories as the Governor in Council may from time to time by proclamation~~ prescribe.

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2. In this Act, unless the context otherwise requires,—

(*a.*) The expression "Minister" means the Minister of the Interior;

(b) The expression "Agent" means the Registrar for the Lands Registration District in which the lands or waters in question are situated. ~~Provided that the Minister of the Interior may appoint any other person or officer to act as Agent for the purpose of this Act. in any district or portion of a district, in which case with regard to such district or portion of a district the expression "agent" shall mean such person or officer.~~

(*c.*) The expression "Dominion Land Surveyor" means a surveyor duly authorized, under the provisions of *The Dominion Lands Act*, to survey Dominion lands;

Out away

(*d.*) The expression "company" means any incorporated company, the objects and powers of which extend to or include the construction or operation of irrigation or other works under this Act or the carrying on thereunder of the business of the supply or the sale of water for irrigation or other purposes and includes also any person who has been authorized or has applied or is about to apply for authority to construct and operate such works or carry on such business, ~~but shall not be taken to include mutual associations for such purposes.~~

WATERS VESTED IN THE CROWN.

4 ~~**3.**~~ ~~Subject to the provisions of section four of this~~ Act, all water in the North-west Territories which ~~is~~ are not appropriated or acquired under this Act and whether the same is found or exists in rivers, streams, lakes, creeks, ravines or cañons, is hereby declared to be absolutely the property of the crown and no property or interest therein shall pass or shall be or taken to have passed by any letters patent or ot ment whereby lands in the North-west Territories or any estate or interest therein are or have heretofore been granted or conveyed by the crown.

PAST RIGHTS RESERVED.

See Victoria act 4

3 ~~**4.**~~ All rights in connection with water in the North-west Territories legally acquired prior to the passing of this Act, shall remain ~~unaffected by this Act, except as hereinafter provided.~~ subject to the provisions of this Act.

Out

5. The Minister or the ~~local~~ agent acting under his instructions may at any time give public notice that it is considered advisable to set apart or prescribe a further portion or district of the North-West Territories to which this Act shall apply, and that any person objecting to the application of the Act to such portion or district must within sixty days after a day named in such notice file with the ~~local~~ agent a statement in writing setting forth his objections and the reason for them. After the expiry of the said period of sixty days the Governor in Council after considering the objections

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INTERPRETATION.

5 **2.** In this Act, unless the context otherwise requires,—

(*a.*) The expression "Minister" means the Minister of the Interior;

(*b.*) The expression "agent" or "officer" means any person or officer employed in connection with the administration and management, sale or settlement of Dominion lands; the expression "local agent" means the agent for Dominion lands employed as aforesaid, with respect to the lands in question; and the expression "land office" means the office of any such local agent;

(*c.*) The expression "Dominion Land Surveyor" means a surveyor duly authorized, under the provisions of *The Dominion Lands Act*, to survey Dominion lands;

(*d.*) The expression "company" means any incorporated company, the objects and powers of which extend to or include the construction or operation of irrigation or other works under this Act or the carrying on thereunder of the business of the supply or the sale of water for irrigation or other purposes and includes also any person who has been authorized or has applied or is about to apply for authority to construct and operate such works or carry on such business, but shall not be taken to include mutual associations for such purposes.

WATERS VESTED IN THE CROWN.

3. Subject to the provisions of section four of this Act all water in the North-west Territories which is not appropriated or acquired under this Act and whether the same is found or exists in rivers, streams, lakes, creeks, ravines or cañons, is hereby declared to be absolutely the property of the crown, and no property or interest therein shall pass or shall be held or taken to have passed by any letters patent or other instrument whereby lands in the North-west Territories or any estate or interest therein are or have heretofore been granted or conveyed by the crown.

PAST RIGHTS RESERVED.

4. All right in connection with water in the North-west Territories legally acquired prior to the passing of this Act, shall remain unaffected by this Act, except as hereinafter provided.

5. The Minister or the local agent acting under his instructions may at any time give public notice that it is considered advisable to set apart or prescribe a portion or district of the North-West Territories to which this Act shall apply, and that any person objecting to the application of the Act to such portion or district must within sixty days after a day named in such notice file with the local agent a statement in writing setting forth his objections and the reason for them. After the expiry of the said period of sixty days the Governor in Council after considering the objections (if any) which have been filed pursuant to such notice

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(*c*.) The expression "Dominion Land Surveyor" means a surveyor duly authorized, under the provisions of *The Dominion Lands Act*, to survey Dominion lands;

(*d*.) The expression "company" means any incorporated company, the objects and powers of which extend to or include the construction or operation of irrigation or other works under this Act or the carrying on thereunder of the business of the supply or the sale of water for irrigation or other purposes and includes also any person who has been authorized or has applied or is about to apply for authority to construct and operate such works or carry on such business, but shall not be taken to include mutual associations for such purposes.

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3. Subject to the provisions of section four of this Act all water in the North-west Territories which is not appropriated or acquired under this Act and whether the same is found or exists in rivers, streams, lakes, creeks, ravines or cañons, is hereby declared to be absolutely the property of the crown, and no property or interest therein shall pass or shall be held or taken to have passed by any letters patent or other instrument whereby lands in the North-west Territories or any estate or interest therein are or have heretofore been granted or conveyed by the crown.

PAST RIGHTS RESERVED.

4. All right in connection with water in the North-west Territories legally acquired prior to the passing of this Act, shall remain unaffected by this Act, except as hereinafter provided.

5. The Minister or the local agent acting under his instructions may at any time give public notice that it is considered advisable to set apart or prescribe a portion or district of the North-West Territories to which this Act shall apply, and that any person objecting to the application of the Act to such portion or district must within sixty days after a day named in such notice file with the local agent a statement in writing setting forth his objections and the reason for them. After the expiry of the said period of sixty days the Governor in Council after considering the objections (if any) which have been filed pursuant to such notice may by proclamation declare the Act to be in force in such portion and district on, from and after a day to be named in the proclamation.

in which the lands
in question are situated. ~~Provided that the Minister of the Interior may appoint any other person or officer to act as Agent for the purpose of this Act. in any district or portion of a district, in which case with regard to such district or portion of a district the expression "agent" shall mean such person or officer.~~

(*c.*) The expression "Dominion Land Surveyor" means a surveyor duly authorized, under the provisions of *The Dominion Lands Act*, to survey Dominion lands;

(*d.*) The expression "company" means any incorporated company, the objects and powers of which extend to or include the construction or operation of irrigation or other works under this Act or the carrying on thereunder of the business of the supply or the sale of water for irrigation or other purposes and includes also any person who has been authorized or has applied or is about to apply for authority to construct and operate such works or carry on such business, ~~but shall not be taken to include mutual associations for such purposes.~~

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WATERS VESTED IN THE CROWN.

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~~3.~~ ~~Subject to the provisions of section four of this~~ Act all water in the North-west Territories which ~~is~~ not appropriated or acquired under this Act and whether the same is found or exists in rivers, streams, lakes, creeks, ravines or cañons, is hereby declared to be absolutely the property of the crown and no property or interest therein shall pass or shall be or taken to have passed by any letters patent or ot ment whereby lands in the North-west Territories or any estate or interest therein are or have heretofore been granted or conveyed by the crown.

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PAST RIGHTS RESERVED.

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~~4.~~ All rights in connection with water in the North-west Territories legally acquired prior to the passing of this Act, shall remain ~~unaffected by this Act, except as hereinafter provided.~~ subjected to the provisions of this Act.

5. The Minister or the ~~local~~ agent acting under his instructions may at any time give public notice that it is considered advisable to set apart or prescribe a further portion or district of the North-West Territories to which this Act shall apply, and that any person objecting to the application of the Act to such portion or district must within sixty days after a day named in such notice file with the ~~local~~ agent a statement in writing setting forth his objections and the reason for them. After the expiry of the said period of sixty days the Governor in Council after considering the objections (if any) which have been filed pursuant to such notice may by proclamation declare the Act to be in force in such portion or district on, from and after a day to be named in the proclamation.

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8. The duty of water means the area of land that a unit of water will irrigate

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Substitute sections 4 and 5 of revision att'd for 3 & 4

DEPARTMENT OF JUSTICE.

MEMORANDUM.

Ottawa...189.

DEPARTMENT OF JUSTICE.

MEMORANDUM.

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(3)

6. The Minister may give public notice that any person holding water rights of a class similar to those which may be created under this act, within any district or territory in which this act is in force ~~within such prescribed portion or district~~ must register his claim as required by this Act within six months from the date of such notice. And any such water rights not recorded within the period aforesaid shall cease and determine. For the purposes of this and the preceding section, the prescribed notice may be given by the publication thereof for four consecutive weeks in the *Canada Gazette* and in a newspaper published within the prescribed district or in the event of no newspaper being published therein then in some other newspaper in the North-west Territories to be selected by the Minister.

[illegible]

7. Any water the property in which is vested in the Crown may be acquired, for domestic, irrigation, or other purposes, without regard to deterioration in quality or diminution in quantity, upon application therefor as hereinafter provided, and all applications made in accordance with the provisions of this Act shall have precedence, according to the date of filing the same with the ~~local~~ agent ~~of the district within which such lands are situate~~, if for the same purpose but not otherwise. The purposes for which the right to water may be acquired are of three classes, namely: First, domestic purposes, which shall be taken to mean water for household and sanitary purposes and watering stock; second, irrigation purposes and third other purposes.

Applications shall have precedence in this order irrespective of the date of filing, so that all applications for domestic purposes shall have precedence of all those for irrigation and other purposes, and all applications for irrigation purposes shall have precedence of all those for purposes within the third class.

Provided that no application for any purpose shall be granted where the proposed use of the water would deprive any person owning lands adjoining the river, stream, lake or other source of supply of whatever water he requires for domestic purposes as aforesaid ~~and that when any person abandons or ceases to use any waters acquired by him for the purposes for which the same were acquired, or wastes the same, his right shall cease.~~

~~Provided also~~ that when a ditch, flume or other contrivance for carrying water is not of sufficient capacity to carry the quantity of water recorded by its owner, his exclusive right shall be limited to the quantity which such ditch, flume or other contrivance is capable of carrying.

Table 18

Insert this as a separate clause after 18

ndonment, wasting or

6. At any time thereafter the Minister may give public notice that any person holding water rights within such prescribed portion or district must register his claim as required by this Act within six months from the date of such notice. And any such water rights not recorded within the period aforesaid shall cease and determine. For the purposes of this and the preceding section, the prescribed notice may be given by the publication thereof for four consecutive weeks in the *Canada Gazette* and in a newspaper published within the prescribed district or in the event of no newspaper being published therein then in some other newspaper in the North-west Territories to be selected by the Minister.

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Provided also that when a ditch, flume or other contrivance for carrying water is not of sufficient capacity to carry the quantity of water recorded by its owner, his exclusive right shall be limited to the quantity which such ditch, flume or other contrivance is capable of carrying.

8. Any charge or allegation of abandonment, wasting or may be acquired, for domestic, irrigation, or other purposes, without regard to deterioration in quality or diminution in quantity, upon application therefor as hereinafter provided, and all applications made in accordance with the provisions of this Act shall have precedence, according to the date of filing the same with the local agent of the district within which such lands are situate, if for the same purpose but not otherwise. The purposes for which the right to water may be acquired are of three classes, namely: First, domestic purposes, which shall be taken to mean water for household and sanitary purposes and watering stock; second, irrigation purposes and third other purposes.

Applications shall have precedence in this order irrespective of the date of filing, so that all applications for domestic purposes shall have precedence of all those for irrigation and other purposes, and all applications for irrigation purposes shall have precedence of all those for purposes within the same class.

Provided that no application for any purpose shall be granted where the proposed use of the water would deprive any person owning lands adjoining the river, stream, lake or other source of supply of whatever water he requires for domestic purposes and that when any person abandons or ceases to use any waters acquired by him for the purposes for which the same were acquired, or wastes the same, his right shall cease.

Provided also that when a ditch, flume or other contrivance for carrying water is not of sufficient capacity to carry the quantity of water recorded by its owner, his exclusive right shall be limited to the quantity which such ditch, flume or other contrivance is capable of carrying.

8. Any charge or allegation of abandonment, wasting or ceasing to use water, may be inquired into and determined by the Governor in Council or by any person or officer appointed by the Governor in Council for that purpose, and any forfeiture incurred by such abandonment, wasting or non-user may be declared by order of the Governor in Council, after which order the rights declared to be forfeited shall cease and determine.

MUTUAL ASSOCIATIONS.

9. When three or more persons, not exceeding seven in all, beneficially interested in a proposed work under this Act, mutually agree to divide among themselves the expense of constructing and operating such work, and satisfy the Minister or his representative of the *bonâ fides* of their proposed undertaking and of their financial ability to complete it, the Governor in Council may authorize a license to issue for such purpose to some person appointed by them as a trustee who shall with respect to such work comply with all the requirements of this Act. No such mutual association nor any such trustee shall be permitted to engage in the sale of water.

7. Any water the property in which is vested in the Crown may be acquired, for domestic, irrigation, or other purposes, without regard to deterioration in quality or diminution in quantity, upon application therefor as hereinafter provided, and all applications made in accordance with the provisions of this Act shall have precedence, according to the date of filing the same with the ~~local~~ agent ~~of the district within which such lands are situate~~, if for the same purpose but not otherwise. The purposes for which the right to water may be acquired are of three classes, namely: First, domestic purposes, which shall be taken to mean water for household and sanitary purposes and watering stock; second, irrigation purposes and third other purposes.

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Into 18

Insert this as a separate clause after 18

See memo annexed

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~~MUTUAL ASSOCIATIONS.~~

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APPLICANT MUST FILE APPLICATION WITH GOVERNMENT.

10. Every applicant for a license or authorization under this Act shall file with the Minister and the ~~local~~ agent ~~for the district, within which the waters and the land on which they are to be applied are situate~~, a memorial, setting forth his name, or, if the applicant be an incorporated company, the names of its shareholders and their places of residence, the date and manner of its incorporation, the names of its directors and officers and their places of residence, the extent of the company's subscribed capital and amount of paid up capital, the proposed method of raising further funds, if needed, and the purposes for which the company is incorporated. The memorial shall also state the name of any river, stream or other waters from which water is to be diverted, used the extent of settlement on such waters, the probable quantity of water to be ~~diverted~~ used and the point of diversion, the dams, basins, reservoirs, or other works proposed to be constructed for the purposes of the undertaking, and the locality of the same, as near as may be; the purpose to which the said water to be ~~diverted~~ used is to be applied; the proposed rate to be charged for water; the probable number of consumers and such other further particulars as are needful to a full understanding of the scheme and as required by the Minis ~~And attached to the memorial shall be a general~~ map ~~plan~~ or plan ~~map~~ on a scale of not less than half a mile to one inch, showing the boundaries of the tract to be served by such water, the location of all rivers, streams and other waters therein, and the probable location of proposed works.

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~~s~~ition and area of all ponds, reservoirs, or basins of water Intended to be created for the purpose of ~~the~~ storing of water or which may have the effect of impounding water" -X-

~~"Attached to said memorial there must be also a plan of~~ In the case of all ditches or canals carrying more than 25 cb.ft.of wa-

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10. Every applicant for a license or authorization under this Act shall file with the Minister and the local agent for the district, within which the waters and the land on which they are to be applied are situate, a memorial, setting forth his name, or, if the applicant be an incorporated company, the names of its shareholders and their places of residence, the date and manner of its incorporation, the names of its directors and officers and their places of residence, the extent of the company's subscribed capital and amount of paid up capital, the proposed method of raising further funds, if needed, and the purposes for which the company is incorporated. The memorial shall also state the name of any river, stream or other waters from which water is to be diverted, the extent of settlement on such waters, the probable quantity of water to be diverted and the point of diversion, the dams, basins, reservoirs, or other works proposed to be constructed for the purposes of the undertaking, and the locality of the same, as near as may be; the purpose to which the said water to be diverted is to be applied; the proposed rate to be charged for water; the probable number of consumers and such other particulars as are needful to a ful understanding of the scheme. And attached to the memoria shall be a general plan or map on a scale of not less than hal a mile to one inch, showing the boundaries of the tract to b served by such water, the location of all rivers, streams an other waters therein, and the probable location of propose works.

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In addition to the above information the applicant shall furnish the following maps or plans

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In addition to the above information the applicant shall furnish the following maps or plans

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Move up to W.T. on page 4.

~~And upon any application to deviate~~
~~from the approved plans & specifications~~

upon any ~~[illegible]~~ question arising as to whether ~~Alter~~ any
deviation ~~alteration~~ be material or ~~[illegible]~~ otherwise,
the same ~~shall~~ shall be decided by the Commissioner
or such officer as he may designate.

9. There ~~must~~ shall also be fyled with the ~~said~~ memorial, of all ditches or canals plans in detail of all flumes, head works, budges or culverts necessary for road or farm crossings ~~over said ditch~~, this plan to be on a scale of not less than one inch equal to four feet.

~~And when the works are constructed~~ ~~under construction~~, No material deviation shall be permitted from the plans fyled without permission. ~~The Minister or such officer as he may designate, to be sole~~ ~~arbitrator~~ judge ~~as to whether the alteration be material or otherwise.~~

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GOVERNMENT TO GIVE PUBLIC NOTICE OF APPLICATION AND RECEIVE OBJECTIONS.

11. The memorial and maps or plans shall be made in duplicate and signed by the applicant, or, if the applicant be a company, by the executive officers thereof, such of the maps or plans as are intended to show the land to be affected by the works being signed also by a Dominion Land Surveyor and the memorial and the maps or plans shall be filed one copy with the Minister and the second copy with the ~~local~~ agent of the district, and the same or a copy thereof shall be open for examination by the public at all times in the Department of the Interior at Ottawa, and at the office of the ~~local~~ agent. Public notice of such filing shall forthwith be given in the *Canada Gazette* and in some newspaper published in the neighbourhood of the proposed works, ~~and~~ to be named by the ~~local~~ agent, for a period of not less than thirty-days nor more than ninety-days as the agent may determine within which time any and all objections to the proposed work ~~must~~ be forwarded to the Minister ~~an officer to be designated in such notice~~. The ~~officer so designated shall, with reasonable despatch,~~ Local Minister — sh consider all objections filed and report thereon to the Governor in Council, who may thereupon, by Order in Council authorize the construction of ~~such~~ said works with ~~or without variations~~ such changes as may be dee

Sub Clause 2. "Any headworks, dams, cribs, embankments flumes or other works authorised under this Act, shall, if the Minister so determines, be constructed subject to inspection during construction from time to time, and on completion and at any time thereafter by an officer to be named by the Minister and the cost of such inspection or such portion thereof as the Minister may decide shall be borne by the company constructing such works".

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GOVERNMENT TO GIVE PUBLIC NOTICE OF APPLICATION AND RECEIVE OBJECTIONS.

11. The memorial and plan shall be made in duplicate and signed by the applicant, or, if the applicant be a company, by the executive officers thereof, and shall be filed one copy with the Minister and the second copy with the local agent of the district, and the same or a copy thereof shall be open for examination by the public at all times in the Department of the Interior at Ottawa, and at the office of the local agent. Public notice of such filing shall forthwith be given in the *Canada Gazette* and in some newspaper published in the neighbourhood of the proposed works and to be named by the local agent, for a period of thirty days, within which time any and all objections to the proposed work must be forwarded to an officer to be designated in such notice. The officer so designated shall, with reasonable despatch, consider all objections filed and report thereon to the Governor in Council, who may thereupon, by Order in Council authorize the construction of such works with or without variations.

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Sub Clause 2. "Any headworks, dams, cribs, embankments flumes or other works authorised under this Act, shall, if the Minister so determines, be constructed subject to inspection during construction from time to time, and on completion and at any time thereafter by an officer to be named by the Minister and the cost of such inspection or such portion thereof as the Minister may decide shall be borne by the company constructing such works".

(3) Should any person residing on ~~living~~, or owning land in the neighbourhood of such works, ~~make a request~~ apply to the Minister in writing, desiring an inspection of any dams, cribs, embankments or other works in course of construction or at any time after completion thereo ~~proposed~~, the Minister may order an inspection thereof ~~upon such terms as he~~ ~~may~~ see fit

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AUTHORIZATION TO BE PUBLISHED.

12. No work shall be commenced until the approval of the Governor in Council has been signified by public notice in the *Canada Gazette* and some newspaper published in the neighbourhood of the proposed works and named by the Minister, which notice shall set forth the particulars mentioned in the memorial, with such changes ~~and additions~~ or variations as the Governor in Council may see fit to order, and shall specify a time within which such works ~~must~~ shall be completed. Such notice shall be published ~~for the space of ten days~~ in not less than two successive issues of such newspaper and shall be the authority for proceeding with the work. A copy of the notice shal also be recorded in a book specially kept for that purpose by the ~~local~~ agent ~~in the land office for his district~~, and this record shall remain open for public inspection. If either the lands on which the water is to be applied or the waters to be used therefor, are not confined to the territory assigned to any one agent, a record must be filed with each agent in whose territory any part thereof is situate.

~~situated in two or more land districts, a record thereof must be kept in the land office for each district~~.

WHEN COMPANIES TO BEGIN AND FINISH WORK.

13. The operations of the company constructing a work so authorized shall begin not later than two months after the las publication of such last-mentioned notice, unless such tw months expire between the first day of November and th first day of May following, in which case the time of commencement shall not be later than the first day of May following and shall proceed continuously until sufficiently completed to supply water to all applicants within the area described in the authorization, provided there is sufficient water available for that purpose. The Minister or such officer as he may designate, shall be the sole arbiter as to whether the work is being prosecuted with sufficient vigour. Should any unforeseen disaster from flood or stress of weather intervene, to prevent the construction or completion of the works within the time limited, or for any other reasons which he deems sufficient, the Governor in Council may authorize a reasonable extension of time for the commencement or completion of the works. Upon failure to complete the works within the time limited or any extension thereof, the company shall forfeit to Her Majesty all rights granted to it under this Act, and any works at the date of such forfeiture constructed or acquired by it may be expropriated in the manner hereinafter mentioned by any other company which may be authorized to execute similar works covering the same territory.

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AUTHORIZATION TO BE PUBLISHED.

12. No work shall be commenced until the approval of the Governor in Council has been signified by public notice in the *Canada Gazette* and some newspaper published in the neighbourhood of the proposed works and named by the Minister, which notice shall set forth the particulars mentioned in the memorial, with such changes and additions as the Governor in Council may see fit to order, and shall specify a time within which such works must be completed. Such notice shall be published for the space of ten days and shall be the authority for proceeding with the work. A copy of the notice shall also be recorded in a book specially kept for that purpose by the local agent in the land office for his district, and this record shall remain open for public inspection. If either the lands on which the water is to be applied or the waters to be used therefor, are situated in two or more land districts, a record thereof must be kept in the land office for each district.

WHEN COMPANIES TO BEGIN AND FINISH WORK.

13. The operations of the company constructing a work so authorized shall begin not later than two months after the last publication of such last-mentioned notice, unless such two months expire between the first day of November and the first day of May following, in which case the time of commencement shall not be later than the first day of May following, and shall proceed continuously until sufficiently completed to supply water to all applicants within the area described in the authorization, provided there is sufficient water available for that purpose. The Minister or such officer as he may designate, shall be the sole arbiter as to whether the work is being prosecuted with sufficient vigour. Should any unforeseen disaster from flood or stress of weather intervene, to prevent the construction or completion of the works within the time limited, or for any other reasons which he deems sufficient, the Governor in Council may authorize a reasonable extension of time for the commencement or completion of the works. Upon failure to complete the works within the time limited or any extension thereof, the company shall forfeit to Her Majesty all rights granted to it under this Act, and any works at the date of such forfeiture constructed or acquired by it may be expropriated in the manner hereinafter mentioned by any other company which may be authorized to execute similar works covering the same territory.

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PLANS OF DAMS, &C., MUST BE FILED WITH FULL DETAIL.

14. When application is made for authorization to dam or obstruct a river, stream, lake, or other waters in order to create a pond, reservoir or basin of water holding more than five million cubic feet or a less quantity when the height of the dam exceeds ten feet, the memorial referred to in section ten, must show by plan or map and estimate, certified by a competent civil engineer, approved by the Minister, the exact location and details of construction of the proposed dam or other obstruction; the extent of any pond, basin or reservoir to be formed, the property likely to be affected by the works and the manner in which affected; such plan or map shall also show in detail the several parcels of land so affected, and such other particulars as the Minister or Governor in Council may see fit to order.

In the case of any pond, basin or reservoir holding less than five million cubic feet of water, or having a dam or obstruction of less than ten feet in height, it shall not be necessary to file any such plan or estimate. If, however, any persons living or owning land in the neighbourhood make a request to the Minister in writing, desiring an inspection of any dam or obstruction, the Minister may order an inspection thereof upon such terms as he may see fit.

DAM TO BE INSPECTED BY GOVERNMENT ENGINEER.

15. Any dam, crib, embankment or other works, authorized under this Act to be constructed in any river, stream, lake, or other waters for the purpose of creating a pond, basin or reservoir exceeding five million cubic feet in capacity and any such works elsewhere than in such waters constructed for the purpose of creating a pond, basin or reservoir exceeding five million cubic feet capacity, shall be constructed subject to inspection by an engineer to be named by the Minister; and the cost of such inspection or such portion thereof as the Minister may decide, shall be borne by the company constructing such works. The Minister may also order the like inspection of any such works constructed in connection with ponds, basins or reservoirs of less than the aforementioned capacity and may direct the cost of such inspection or any portion thereof to be paid by the company constructing such works.

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justices of the peace appoint, to imprisonment with or

..........with or without hard labour for any term not exceeding three months."

[redacted]

justices ~~of the peace appoint, to imprisonment with or~~

..........with ~~or without hard labour for any term~~ not

~~three~~ months."

UAA-1974-164-9/2/7/2/6-21

To come after clause 18

See ~~p. 8~~

~~[illegible]~~ When any person abandon

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~~[illegible]~~ When any person abandons or ceases to use any waters acquired by him for the purposes for which the same were acquired or wastes the same and any charge ~~allegation~~ of such abandonment, wasting or ceasing to use water is made to the Minister, the same may be enquired into by him or by any person or officer appointed by him for that purpose. And the Minister ~~upon~~ shall ~~report~~ submit his ~~finding~~ Report upon such enquiry to the Governor General in Council. And the Governor General in Council may make such order in the premises as may be deemed just and proper. And if ~~such order in Council~~ the Governor General in Council should by such order ~~direct~~ declare a forfeiture of the rights of the person offending the rights so adjudged or declared to be forfeited shall cease & determine which the same were acquired or wastes the same and any charge ~~allegation~~ of such abandonment wasting or ceasing to use water is made to the Minister, the same may be enquired into by him or by any person or officer appointed by him for that purpose. And the Minister ~~upon~~ shall ~~report~~ submit his ~~finding~~ Reports upon such enquiry to the Governor General in Council.

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UAA-1974-169-9/2/7

RIGHT-OF-WAY, DAMAGES, ETC.

16. A company contemplating or projecting any work which may be authorized under this Act, may enter into and upon any public or private lands, railway, streets, roads o lanes, to take levels, make surveys or do other necessary work in connection with the location of their proposed works through or across the same without making compensation therefor o being guilty of trespass, but all such preliminary work shall be disposed of with reasonable expedition and in a manner not to unduly interfere with the rights of the public or of the owners or occupiers of such property.

16½ When the company and the owners or occupiers of private Lands cannot agree as to the compensation for lands required for the construction or maintenance of any work authorized under this Act, or for damages to lands injured by such construction or maintainance ~~thereby~~, the matter shall be settled in the same manner as is provided for obtaining title and fixing compensation under *The Railway Act* so far as the same may be applicable, the Minister of the Interior and the Department of the Interior being substituted for the Minister of Railways and Canals and the Department of Railways and Canals respectively wherever in the provisions of the said Act the latter Minister and Department are mentioned or referred to. Provided that the Governor in Council may from time to time by regulations vary or modify the provisions of the said Act in this regard, so far as they apply to works under this Act, in such manner as experience may prove to be expedient.

In this section the expression "lands" includes real property messuages, lands, tenements and hereditaments of any tenure.

(2) All maps, plans and books of reference showing the lands required by the Company for any purpose in connection with the construction or maintainance of its works must be signed by a duly qualified Dominion Land Surveyor.

(3) The minister or such officer as he may designate ~~shall~~ in case of dispute Shall be the sole ~~and final~~ arbiter ~~arbitrator~~ as to the area of land which may be taken by the Company without the consent of the owner for any purpose in the construction and maintainance of its works

RIGHT-OF-WAY, DAMAGES, ETC.

16. A company contemplating or projecting any work which may be authorized under this Act, may enter into and upon any public or private lands, railway, streets, roads or lanes, to take levels, make surveys or do other necessary work in connection with the location of their proposed works through or across the same without making compensation therefor or being guilty of trespass, but all such preliminary work shall be disposed of with reasonable expedition and in a manner not to unduly interfere with the rights of the public or of the owners or occupiers of such property.

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OFFENCES.

17. Every person who interrupts, molests or hinders in his work any engineer or surveyor engaged in making surveys, or levels or in other operations in connection with any work authorized under this Act, is guilty of an offence, and liable on summary conviction to a penalty not exceeding twenty dollars or to imprisonment for a term not exceeding two months or both.

SURPLUS WATER TO BE TURNED BACK.

18. No company authorized to divert the water of any river, stream, lake or other waters shall divert more water than the quantity actually required for the purpose authorized, and any company so doing shall be guilty of an offence punishable on summary conviction by a fine not exceeding one hundred dollars for each offence.

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18. No company authorized to divert the water of any river, stream, lake or other waters shall divert more water than the quantity actually required for the purpose authorized, and any company or officer or employee of the same so doing shall be guilty of an offence punishable on summary conviction by a fine not exceeding ~~one hundred dollars for each offence~~.

$5.00 per day for each unit or fraction of a unit of water so diverted

Put in Clause 7 & 8 here as amended on page 3

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SURPLUS WATER MAY BE CLAIMED BY OTHERS.

19. Any company having the right to the use ~~engaged in the sale~~ of water for irrigation or other purposes ~~must~~ dispose of any surplus water to any

oses and ~~tendering~~

~~undertaking to pay therefor.~~

~~[illegible]~~

~~payment~~ at the regular prices. Persons so applying ~~must~~ pay an amount equal to the cost and expense of the works required to convey the surplus water to them, or ~~must~~ themselves construct such works. Until this is done the delivery of surplus water need not be made. When the necessary works have been constructed and the ~~undertaking to pay therefor~~

~~payment or tender~~ herein provided for has been made the applicant shall be entitled to the use of so much of the surplus water as such works shall have the capacity to carry. But nothing herein shall be construed to give to any person acquiring the right to use surplus water any right to waste or sell or dispose of the same after being used by him, or shall prevent the original owners from retaking, selling or disposing of the same in the usual or customary manner after it has been so used as aforesaid.

Shall [illegible]
also
[illegible] for 12 [illegible]
[illegible] at the
regular prices

shall

20. Every person who without authority takes or diverts any water from any river, stream, lake or other waters or from any works authorized under this Act any greater quantity of water than he is entitled to.

or who [illegible]
diverts the [illegible]

Re [illegible]

is guilty of an offence and liable upon ~~indictment~~ summary conviction to a fine not exceeding $5.00 per day for each unit or fraction of a unit of water improperly diverted ... or to imprisonment for a term not exceeding days or to both and upon summary conviction to a fine not exceeding

$5.00 per day for each unit or fraction of a unit of water improperly diverted

or to imprisonment for a term not exceeding days or to both,

COMPANIES MUST NOT DISCRIMINATE IN PRICES OF WATER.

5 **21.** No company undertaking to sell water conveyed by their works shall subsequent to the first four years after the construction of such works as are necessary to convey the water to the user

discriminate between the users of such water regarding the price of the same. If from any cause the whole amount of water agreed to be supplied by a company

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[illegible] also

for 12 months

[illegible] at the

[illegible]

shall

SURPLUS WATER MAY BE CLAIMED BY OTHERS.

19. Any company engaged in the sale of water for irrigation or other purposes must dispose of any surplus water to any person applying therefor for irrigation purposes and tendering payment at the regular prices. Persons so applying must pay an amount equal to the cost and expense of the works required to convey the surplus water to them, or must themselves construct such works. Until this is done the delivery of surplus water need not be made. When the necessary works have been constructed and the payment or tender herein provided for has been made the applicant shall be entitled to the use of so much of the surplus water as such works shall have the capacity to carry. But nothing herein shall be construed to give to any person acquiring the right to use surplus water any right to waste or sell or dispose of the same after being used by him, or shall prevent the original owners from retaking, selling or disposing of the same in the usual or customary manner after it has been so used as aforesaid.

water

or who takes or

diverts therefrom

[illegible]

20. Every person is guilty of an offence and liable upon indictment to a fine not exceeding   dollars or to imprisonment for a term not exceeding   days or to both and upon summary conviction to a fine not exceeding   dollars or to imprisonment for a term not exceeding   days or to both, who takes or diverts from any river, stream, lake or other waters or from any works authorized under this Act any greater quantity of water than he is entitled to.

?

COMPANIES MUST NOT DISCRIMINATE IN PRICES OF WATER.

21. No company undertaking to sell water conveyed by their works shall discriminate between the users of such water regarding the price of the same. If from any cause the whole amount of water agreed to be supplied by a company be not available then each user shall have furnished to him by the company so much water as shall bear to the available water the same proportion as his usual supply bears to the whole amount agreed to be furnished. Any company violating these provisions shall forfeit the privileges granted to it under this Act.

water
for who takes or
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[illegible] Hawes

20. Every person is guilty of an offence and liable upon indictment to a fine not exceeding dollars or to imprisonment for a term not exceeding days or to both and upon summary conviction to a fine not exceeding dollars or to imprisonment for a term not exceeding days or to both, who takes or diverts from any river, stream, lake or other waters or from any works authorized under this Act any greater quantity of water than he is entitled to.

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Sec. Farm
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UNIT OF MEASUREMENT.

22. Under this Act the discharge of one cubic foot of water per second shall be the unit of measurement.

[illegible]

without authority

any water

or who causes [illegible] diverts therefrom

Re Fraser

20. Every person who takes or diverts from any river, stream, lake or other waters or from any works authorized under this Act any greater quantity of water than he is entitled to.

is guilty of an offence and liable upon ~~indictment~~ to a fine not exceeding $5.00 per day for each unit or fraction of a unit of water improperly diverted ... or to imprisonment for a term not exceeding days or to both and upon summary conviction to a fine not exceeding $5.00 per day for each unit or fraction of a unit of water improperly diverted or to imprisonment for a term not exceeding days or to both,

summary conviction

COMPANIES MUST NOT DISCRIMINATE IN PRICES OF WATER.

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?

Re Fraser necessary [illegible]

is guilty of an offence against this Act and liable ~~not exceeding~~ to a fine of one thousand dollars for each and every such offence.

~~or to imprisonment for a term not exceeding~~ ~~[illegible]~~

upon summary conviction before two justices of the Peace

UNIT OF MEASUREMENT.

22. Under this Act the discharge of one cubic foot of water per second shall be the unit of measurement.

Clause 20.

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ANNUAL RETURN BY COMPANIES TO GOVERNMENT.

23. Companies constructing and operating works under this Act shall on or before the thirty-first day of January in each and every year make a return to the Governor in Council attested by the oath of its President and Secretary, for the year ending the thirty-first day of December preceding, showing:—

Amount expended on construction.
Amount expended on repairs.
Amount received from shareholders.
Amount of bonds issued.

Amount received for water supplied for irrigation.
Amount received from other sources.
Amount of dividend declared and paid.
Amount of capital stock authorized.
Amount of capital stock subscribed.
Amount of capital stock paid up to date.
Amount of bonded indebtedness
Amount bonds sold for.
Rate of interest bonds bear.
Amount of indebtedness other than bonds and rate of interest the same is bearing
Cost of management.
Statement of works, extent and character.
Number of miles of canals, ditches, etc.
Number of users.
Number of acres actually under irrigation.
Number of acres of irrigable land in the system.
Names of officers or employees with salary paid to each.
Proposed extensions during ensuing years and acreage to be covered thereby.
With such other data as the Governor in Council may see fit to order. Attached to such annual return shall be a copy of by-laws of the company showing all amendments thereto during the year covered by said return.

GOVERNMENT MAY INTERVENE TO COMPEL COMPANIES TO CARRY OUT ENGAGEMENTS WITH CONSUMERS.

24. When complaint is made to the Minister or the ~~local~~ agent by a consumer of water who has paid his rates and is verified by the oath of the complainant, that the company which engaged or is under obligation to supply him with water is failing to do so, or is failing to keep its ditches, flumes, and other works in proper condition, the Minister or some person or officer appointed by him for the purpose may make immediate inquiry and take all necessary steps to ascertain the truth of the complaint and if he considers the complaint established may order and direct that the company shall take forthwith such action as he considers necessary in order as far as possible to remove the cause of complaint. If the company fails to obey such order ~~he~~ shall forthwith issue a certificate to that effect reciting all the facts, which certificate being presented to the Judge of the Supreme Court for the Judicial District within which such works lie, any the Judge shall hear and determine the matter in a summary manner and shall order the company to proceed with all despatch to take such measures

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which Judge ~~[illegible]~~ [illegible] by ~~the~~ oath of at least one witness

[illegible]

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Amount of dividend declared and paid.
Amount of capital stock authorized.
Amount of capital stock subscribed.
Amount of capital stock paid up to date.
Cost of management.
Statement of works, extent and character.
Number of miles of canals, ditches, etc.
Number of users.
Number of acres actually under irrigation.
Number of acres of irrigable land in the system.
Names of officers or employees with salary paid to each.
Proposed extensions during ensuing years and acreage to be covered thereby.
With such other data as the Governor in Council may see fit to order. Attached to such annual return shall be a copy of by-laws of the company showing all amendments thereto during the year covered by said return.

GOVERNMENT MAY INTERVENE TO COMPEL COMPANIES TO CARRY OUT ENGAGEMENTS WITH CONSUMERS.

which Judge ~~said~~
[illegible]
Commission
by ~~the~~ oath
of at least
one witness

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Number of acres of irrigable land in the system.

Names of officers or employees with salary paid to each.

Proposed extensions during ensuing years and acreage to be covered thereby.

With such other data as the Governor in Council may see fit to order. Attached to such annual return shall be a copy of by-laws of the company showing all amendments thereto during the year covered by said return.

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which Judge ~~[illegible]~~
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Mr Fraser
Explain where Judges
can be taken, as you
suggest [illegible]
Fred.

For reg & the
See Revised Ordinances
N.W.T. Chap 58 sections
271 & 272

Amount of indebtedness other than bonds and rate of interest the same is bearing

Cost of management.
Statement of works, extent and character.
Number of miles of canals, ditches, etc.
Number of users.
Number of acres actually under irrigation.
Number of acres of irrigable land in the system.
Names of officers or employees with salary paid to each.
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GOVERNMENT MAY INTERVENE TO COMPEL COMPANIES TO CARRY OUT ENGAGEMENTS WITH CONSUMERS.

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24. When complaint is made to the Minister or the ~~local~~ agent by a consumer of water who has paid his rates and is verified by the oath of the complainant, that the company which engaged or is under obligation to supply him with water is failing to do so, or is failing to keep its ditches, flumes, and other works in proper condition, the Minister or some person or officer appointed by him for the purpose may make immediate inquiry and take all necessary steps to ascertain the truth of the complaint and if he considers the complaint established may order and direct that the company shall take forthwith such action as he considers necessary in order as far as possible to remove the cause of complaint. If the company fails to obey such order he shall forthwith issue a certificate to that effect reciting all the facts, which certificate being presented to the Judge of the Supreme Court for the Judicial District within which such works lie, and the Judge ~~shall~~ hear and determine the matter in a summary manner and shall order the company to proceed with all despatch to take such measures as he considers necessary in the premises and refusal or neglect to obey any order made by a Judge under this section may be treated and punished as contempt of court. and such other proceedings may be had and taken thereon as in the case of non compliance with any other mandatory order of the said court or a judge thereof

the Minister

which [illegible] ~~[illegible]~~ supported by ~~the~~ oath of at least one witness

is hereby empowered

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COMPANIES MAY UNITE TO CONSTRUCT LARGER WORKS.

The [illegible] in Council [illegible]
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25. ~~Two or more~~ companies ~~authorized under this Act~~ whose works lie contiguous to each other, may unite and form one company with a view to providing increased water supply and extending their works when ~~the Governor in Council is~~ he satisfied that the holders of more than fifty per cent of the capital stock of each company are in favour of the union; that users dependent upon the water supply will not be injured, and that the amalgamated companies have the necessary financial means for carrying out the proposed undertaking, the same class of data being furnished to the Governor in Council as is required to be furnished upon an application for authorization to construct works under this Act. Public notice of the authorization of the amalgamated companies and their proposed works shall be given in the manner prescribed in the case of an application under section eleven.

MINISTER OR HIS REPRESENTATIVES MAY CITE WITNESSES AND PAPERS.

26. The Minister or any one specially authorized by him may, when he deems necessary for the satisfactory carrying out of the provisions of this Act or the regulations to be framed under it, summon before him any person by subpœna, examine such person under oath, and compel the production of papers and writings, and for neglect to obey such summons or refusal to give evidence, or to produce the papers or writings demanded of him, the Minister or the person authorized may, by warrant under his hand, order the person in default to be imprisoned in the nearest common jail as for contempt of court, for a period not exceeding fourteen days.

AFFIDAVITS, ETC., BEFORE WHOM TAKEN.

27. All affidavits, oaths, solemn declarations or affirmations required to be taken under this Act or any regulations made thereunder, may be taken before any agent authorized under this act

a Dominion lands agent or officer, or any person specially authorized by the Minister to take the same, and the Minister may require any statement called for under this Act, or under any such regulation, to be verified by oath, affidavit, affirmation or declaration.

28. The Governor in Council is empowered to take such steps as he may deem necessary, ~~by the employment of experts or others~~, to secure a complete or partial survey of the sources of the water supply for irrigation and other purposes, in the North-west Territories, with a careful estimate of the extent and location of irrigable lands, and of t~~he site o~~r sites suitable for ponds, basins and reservoirs for water storage. He may also take such steps as ~~may be required~~ he thinks necessary to protect the sources of water supply in the North-west Territories, and to prevent any act likely to diminish or injure said supply.

MAY ERECT WATER GAUGES, ETC.

29. The Governor in Council may from time to time authorize the establishing in the rivers, streams, lakes, and other waters of the North-west Territories, water gauges for computing the approximate volume and discharge of waters; the placing of high water marks on rivers and streams er,

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30. The Governor in Council may, if in the public interest it is at any time deemed advisable so to do, take over operate or dispose of the works of any company authorized under this Act. Provided that compensation shall be paid for such works at their ~~estimated~~ value ~~apart from any value which they may have as a running concern~~, and that no person who at such date is using the water of said works, shall be deprived of the quantity of water he is entitled to. notwithstanding anything to the contrary expressed in this Act.

ascertained by reference to the Exchequer Court or the said value to be [illegible] or by arbitrators one to be appointed by the Governor in Council one by the Co. these 2 ~~[illegible]~~ to appoint the third arbitrator [illegible] to appoint the third and in case of failure to agree upon the third the ~~judge of the~~ Exchequer Court

Provided

~~Provided also that~~ in no case shall the compensation paid for works so taken over be less than the cost of construction of said work plus interest at ten per cent per annum on such cost plus cost of management less the revenue derived from ~~such works~~.

Mr Fraser [illegible]
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Provided further that in any such case the Governor in Council shall have due regard to the claims to consideration of any persons who may have prepared or have in course of preparation any land to be supplied with water by the works taken over.

31. The by-laws and regulations of companies operating under this Act shall not contain anything contrary to the true intent and meaning of this Act, and shall be subject to revision and approval by the Governor in Council, and no tariff of charges for water furnished by any company shall come into operation until the same has been approved by the Governor in Council.

— Any company authorized under this Act may issue bonds debentures or other securities to the extent of ~~treble~~ double the amount of the subscribed capital or quadruple the amount of the paid-up

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Mr Fraser find this
[illegible]

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Provided that no Company shall acquire lease any ~~[illegible]~~ land for a longer period than 10 years to appoint the third arbiter in case of failure to agree upon the third the ~~judge of the~~ [illegible] Court Provided

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— Any Company authorized under this act may acquire land by purchase or lease for improvement by irrigation and may dispose of the same, ~~but [illegible]~~

Provided [illegible]

— Any Company authorized under this act may construct or acquire for the purposes of its undertaking ~~any electric, for the purposes of its undertaking~~ electric telegraph or telephone lines, or anything of a similar nature in its facility for transmission of messages by electricity, or otherwise either through the air, along wires, rods, tubes or other appliances, no matter how made or otherwise constructed or erected ~~so long as the operation~~

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REGULATIONS BY GOVERNOR IN COUNCIL.

32. The Governor in Council may—

Define the manner in which the measurement of water shall be arrived at.

Define the duty of water according to locality and soil.

Define the portion of the year during which water shall be supplied for irrigation.

Fix the license fee or charge to be paid by companies applying for registration of water rights or for authority to engage in irrigation or other works under this Act which fees or charges may be varied according to the capital employed or volume of water diverted.

Regulate the extent of diversion from rivers, streams, lakes or other waters.

~~Decide between companies claiming the same water, as to the quantity or share each claimant may divert.~~

Regulate the passage of logs, timber and other products of the forests through or over any dams or other works erected in rivers, streams, lakes and other water under the authority of this Act.

Regulate the publication of tariffs of water rates.

Prescribe forms to be used in proceedings under this Act.

Impose penalties for violations of any regulation made under authority of this Act which penalties shall in no case exceed a fine of two hundred dollars or three months imprisonment or both.

Regulate the manner in which water is to be supplied to parties entitled thereto, whether continuously or at stated intervals or under either or both.

Authorize some one whose decision shall be final and without appeal to decide in cases of dispute what constitutes surplus water as mentioned in clause — of this Act.

Make such orders as are deemed necessary, from time to time, to carry out the provisions of this Act according to their true intent, or to meet any cases which arise, and for which no provision is made in this Act; and further make any regulations which are considered necessary to give the provisions of this Act full effect; and from time to time, alter or revoke any orders or regulations made in respect of such provisions, and make others in their stead.

( ) All regulations made by the Gov. in Council under this Act shall be published for four successive ~~months in~~ weeks in the Canada Gazette and shall be laid before both Houses of Parliament within the first fifteen days of the session next after the date thereof.

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33. The Govenor in Council is hereby authorized, if after careful and thorough inquiry he deems it advisable, to establish at some point in the North-west Territories an experimental irrigation farm, to be located conveniently near the districts which are most interested in the application of irrigation to agricultural lands; and to take such steps as may be required to demonstrate the value of such irrigation as applied to farming and grazing lands or to promoting the growth of trees, shrubs and plants in the Territories.

34. Any companies already formed to promote irrigation in the North-west Territories ~~and which have not commenced operations at the passage of this~~ Act shall be subject to all provisions of this Act ~~which are not inconsistent with their special charters~~. Out

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The Minister may
require the applicant
for inspection to
make a deposit of such
sum of money as
the Minister may think ne-
cessary to pay
the expenses of the ins-
pection and ~~may~~
in case the applicant
appears to him
not to have been justified
~~then~~ may ~~order~~
cause the whole
or ~~such~~ part of the
expenses to be paid
out of such deposit.

Remedy of the nature

In case the Co is required by the
Minister to pay the expenses of an
~~insp~~ inspection or any part
thereof. Such ~~may~~ payment may
be enforced as a debt due to Her
Majesty.

DEPARTMENT OF JUSTICE.

MEMORANDUM.

Ottawa 189

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tituted by Irrigation

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No material deviation shall be ~~committed~~ made from the plans lodged without permission And upon any question arising as to whether any deviation is material or otherwise the same shall be decided by the Minister or such officer as he may designate